UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/537,933 | 06/28/2006 | Andrew Robert Clark | 04607/0203002-US0 | 8660 |

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DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

| EXAMINER |
|---|
| YOUSSEF, ADEL Y |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2618 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 10/29/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| | 10/537,933 | CLARK ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | ADEL YOUSSEF | 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>02 October 2008</u>.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>31-55</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>31-55</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06/07/2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All  b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on

10/02/2008 has been entered.


Applicant's arguments with respect to claims 31-37 have been considered but are

moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112*


1.     The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art
> to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth
> the best mode contemplated by the inventor of carrying out his invention.


Regarding Claims 38-43, the claims present the term "the computer readable medium",

however, this term is no where to be found in applicant's specification as originally filed.

Appropriate correction or clarification of that term is respectfully requested in order to

advance prosecution of the current pending case.

### Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the manner in which the
invention was made.

3.        Claims 31- 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over

          Pettey et al (PGPUB-No: 2003/0014544) in view of Park et al. (PGPUB-No:

          2002/0073322).

**Regarding claim 31,** Pettey teaches a data communications connection method for the

Transmission Control Protocol (TCP) comprising the steps of: prior to the establishment

of a TCP/IP connection an initiating party computer system sending a connection

request message to a receiving party computer system ( paragraphs 0069, 0107, see

figures 3 and 8); receiving the connection request message at the receiving party

computer system (paragraphs 61, 69, see figures 2 and 3); opening a TCP connection

at the receiving party computer system (paragraph 58, figure 2) except for the initiating

party computer system, and, communicating between the initiating and receiving party

computer systems using TCP communication packets. However Park et al. teach the

initiating party computer system, and, communicating between the initiating and

receiving party computer systems using TCP communication packets (paragraph 14,

lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15

).Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Nickels to include a connection has already been negotiated by the receiving party as taught by park in order to provide security system thereby improve more customer services.

**Regarding claim 32,** Pettey further teaches a data communications connection method according to claim 31, wherein the connection request message includes data on the connection requested (paragraphs 69, 107, see figure 3 and 8).

**Regarding claim 33,** Park further teaches a data communications connection method according to claim 31, wherein the connection request message includes information on the initiating party computer system (paragraphs 18, 20).

**Regarding claim 34,** Pettey further teaches a data communications connection method according to claim 31, further comprising: evaluating the connection request message at the receiving party computer system prior to opening a TCP connection (paragraphs 121, 123, see figures 12 and 13).

**Regarding claim 35,** Pettey further teaches a data communications connection method according to claim 34, wherein evaluating the connection request message includes authenticating data within the connection request message (paragraph 107, 123, see figure 12).

**Regarding claim 36,** Park further teaches a data communications connection method

according to claim 34, wherein evaluating the connection request message includes

authenticating the initiating party computer system (paragraph 14, lines 1-7, paragraph

15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15 )

**Regarding claim 37,** Park further teaches a data communications connection method

according to claim 34, further comprising negotiating an encryption key during

evaluation (paragraphs 15, 23, see figure 3).

**Regarding claim 38,** Pettey teaches a computer-readable medium having computer-

executable instructions for performing a data communications connection method for

the Transmission Control Protocol (TCP) comprising the steps of: prior to the

establishment of a TCP/IP connection an initiating party computer system sending a

connection request message to a receiving party computer system ( paragraphs 69,

107, see figures 3 and 8); receiving the connection request message at the receiving

party computer system (paragraphs 61, 69, see figures 2 and 3); opening a TCP

connection at the receiving party computer system (paragraph 58, figure 2) except for

the initiating party computer system, and, communicating between the initiating and

receiving party computer systems using TCP communication packets. However Park et

al. teach the initiating party computer system, and, communicating between the initiating

and receiving party computer systems using TCP communication packets (paragraph

14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15

).Therefore, it would have been obvious to one of ordinary skills in the art at the time of

invention to modify the method of Nickels to include a connection has already been

negotiated by the receiving party as taught by park in order to provide security system

thereby improve more customer services.

**Regarding claim 39,** Park further teaches the computer-readable medium of claim 38,

wherein the connection request message includes information on the initiating party

computer system (paragraphs 18, 20).

**Regarding claim 40,** Pettey further teaches the computer-readable medium of claim

38, further comprising computer-executable instructions for the step of evaluating the

connection request message at the receiving party computer system prior to opening

the TCP connection(paragraphs 121, 123, see figures 12 and 13).

**Regarding claim 41,** Pettey further teaches the computer-readable medium of claim

40, wherein evaluating the connection request message includes authenticating data

within the connection request message (paragraph 107, 123, see figure 12).

**Regarding claim 42,** Park further teaches the computer-readable medium of claim 40,

wherein evaluating the connection request message includes authenticating the

initiating party computer system (paragraph 14, lines 1-7, paragraph 15, line 1-7,

paragraph 18, lines 6-14, paragraph 20, lines 8-15 ).


**Regarding claim 43,** Park further teaches the computer-readable medium of claim 40,

further comprising computer-executable instructions for the step of negotiating an

encryption key during evaluation (paragraphs 15, 23, see figure 3).


**Regarding claim 44,** Pettey teaches a communication connection system adapted to

communicate under the Transmission Control Protocol (TCP), comprising: an initiating

device adapted to send a connection request message prior to the establishment of a

TCP/IP connection ( paragraphs 69, 107, see figure 3); and a receiving device adapted

to receive the connection request message (paragraphs 61, 69, see figures 2 and 3);

open a TCP connection at the receiving device(paragraph 58, figure 2) except for the

initiating device, and communicate with the initiating device using TCP communication

packets. However Park et al. teach the initiating device, and communicate with the

initiating device using TCP communication packets (paragraph 14, lines 1-7, paragraph

15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15 ).Therefore, it would

have been obvious to one of ordinary skills in the art at the time of invention to modify

the communication of Nickels to include a connection has already been negotiated by

the receiving party as taught by park in order to provide security system thereby

improve more customer services.

**Regarding claim 45,** Park further teaches the communication connection system of claim 44, wherein the connection request message includes information on the initiating device (paragraphs 18, 20).

**Regarding claim 46,** Pettey further teaches the communication connection system of claim 44, wherein the receiving device is further adapted to evaluate the connection request message prior to opening the TCP connection at the receiving device for the initiating device (paragraphs 121, 123, see figures 12 and 13).

**Regarding claim 47,** Pettey further teaches communication system of claim 46, wherein evaluating the connection request message includes authenticating data within the connection request message (paragraph 107, 123, see figure 12).

**Regarding claim 48,** Park further teaches the communication connection system of claim 46, wherein evaluating the connection request message includes authenticating the initiating device (paragraph 14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15 ).

**Regarding claim 49,** Park further teaches the communication connection system of claim 46, wherein the receiving device is further adapted to negotiate an encryption key with the initiating device (paragraphs 15, 23, see figure 3).

**Regarding claim 50,** Pettey teaches a communication connection system adapted to

communicate under the Transmission Control Protocol (TCP), comprising: an initiating

device adapted to send a connection request message prior to the establishment of a

TCP/IP connection ( paragraphs 69, 107, see figure 3); and a receiving device adapted

to receive the connection request message (paragraphs 61, 69, see figures 2 and 3);

open a TCP connection at the receiving device(paragraph 58, figure 2) except for the

initiating device, and communicate with the initiating device using TCP communication

packets. However Park et al. teach the initiating device, and communicate with the

initiating device using TCP communication packets (paragraph 14, lines 1-7, paragraph

15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15 ).Therefore, it would

have been obvious to one of ordinary skills in the art at the time of invention to modify

the communication of Nickels to include a connection has already been negotiated by

the receiving party as taught by park in order to provide security system thereby

improve more customer services.


**Regarding claim 51,** Park further teaches the communication connection system of

claim 50, wherein the connection request message includes information on the initiating

device (paragraphs 18, 20).


**Regarding claim 52,** Pettey further teaches communication connection system of claim

50, wherein the receiving device is further adapted to evaluate the connection request

message prior to opening the TCP connection at the receiving device for the initiating

device (paragraphs 121, 123, see figures 12 and 13).

**Regarding claim 53,** Pettey further teaches the communication connection system of

claim 52, wherein evaluating the connection request message includes authenticating

data within the connection request message (paragraph 107, 123, see figure 12).

**Regarding claim 54,** Park further teaches the communication connection system of

claim 52, wherein evaluating the connection request message includes authenticating

the initiating device (paragraph 14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines

6-14, paragraph 20, lines 8-15 ).

**Regarding claim 55,** Park further teaches the communication connection system of

claim 52, wherein the receiving device is further adapted to negotiate an encryption key

with the initiating device (paragraphs 15, 23, see figure 3).

## Conclusion

The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure.

Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to:**
            Commissioner for patents
            P.O.Box1450
            Alexandria, VA 22313-1450

            **Hand-delivered responses should be brought to**

            Customer Service Window

Randolph Building

401 Dulany street

Alexandria, VA 22314


Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-

3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, ANDERSON MATTHEW can be reached on (571)272-4177.The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADEL YOUSSEF/

Examiner, Art Unit 2618

/Yuwen Pan/
Primary Examiner, Art Unit 2618